MYSORE LEGISLATIVE ASSEMBLY

THIRTY-SIXTH DAY.

Friday, 9th August 1957.

The House met in the Assembly Hall, Vidhana Soudha, Bangalore, at One of the Clock.

MR. SPEAKER (SRI S. R. KANTHI, B.A., LL.B.) in the Chair.

QUESTIONS AND ANSWERS

Cases pending in the High Court of Mysore.

Q.—804. Sri K. PUTTASWAMY (Mysore).—

Will the Government be pleased to state :—

(*a*) the number of cases that are pending in the High Court of Mysore (information regarding the number of Civil and Criminal Appeals—both regular and second—civil and criminal revision petitions and writ petitions may be given yearwar) ;

(*b*) the reasons for such heavy pendency ;

(*c*) whether it has come to their notice that the interest of justice has suffered due to the delay in the disposal of cases ?

A.—Sri S. NIJALINGAPPA (Chief Minister).—

(*a*) *Vide* statements appended below.

(*b*) For want of sufficient number of Judges.

(*c*) Government are aware that inconvenience has been caused to the litigant public.

Statement showing the number of civil cases pending in the High Court of Mysore as on 1st June 1957.

Sl. No.	Nature of cases	Pending on 1-6-1957	Less than one year old cases	One year old cases	Two years old cases	Three years old cases
1	Regular Appeals ...	1277	282	244	264	487
2	Second Appeals ...	2666	846	532	484	804
3	Miscellaneous Appeals ...	194	121	32	14	27
4	Civil Revision Petitions ...	1615	964	392	200	59
5	Writ Petitions ...	326	208	93	22	3

(SRI S. NIJALINGAPPA)

Statement showing the number of Criminal cases pending in the High Court of Mysore as on 1st June 1957.

Sl.No.	Class of cases	Total number of cases pending on 1-6-1957	Less than a year	One year old	Two years old	Three years old
1	Criminal Appeals ...	509	447	57	1	4
2	Criminal Revision Petitions.	247	227	14	4	2
3	Criminal Petitions ...	209	203	4	2	...
4	Criminal Revision cases ...	118	90	27	1	...
5	Criminal Referred cases ...	17	13	3	1	...
6	Contempt of Court cases ...	9	3	5	1	...

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಹೈಕೋರ್ಟಿನಲ್ಲಿ ಸಾಕಷ್ಟು ನ್ಯಾಯಾಧೀಶರುಗಳು ಯಾವಾಗಿನಿಂದ ಇಲ್ಲ ಸ್ವಾಮಿ ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ನನಗೆ ತಿಳಿದಿರುವಂತೆ ನಮ್ಮಾರು ಎರಡು ವರ್ಷಗಳಿಂದ ಇಲ್ಲ.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಹೀಗೆ ಬೇಕಾದಷ್ಟು ಮೊಕದ್ದಮೆಗಳು ಪೆಂಡಿಂಗಾರಿಯಾಗದೆ ಇದ್ದರೂ ಕೂಡ, ನ್ಯಾಯಾಧೀಶರುಗಳನ್ನು ನೇಮಿಸದೆ ಇರುವುದಕ್ಕೆ ಏನು ಅಡಚಣೆ ಇದೆ ಸ್ವಾಮಿ ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಅದನ್ನು ಹಿಂದೆ ಇದ್ದವರನ್ನು ಕೇಳಬೇಕಾಗುತ್ತದೆ. ನನಗೆ ಅದನ್ನು ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಸರಕಾರವು ಹಿಂದೆಯೂ ಇದ್ದಿತು, ಈಗಲೂ ಸರ್ಕಾರವಿದೆ. ಸರ್ಕಾರವು continuous ಆಗಿ ಇರತಕ್ಕದ್ದಾಗಿದೆ. ಆದುದರಿಂದ ಸಾಧ್ಯವಾದರೆ ನನ್ನ ಪ್ರಶ್ನೆಗೆ ಉತ್ತರ ಕೊಡುತ್ತೀರಾ ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಉತ್ತರ ಕೊಡುವುದು ಬಹಳ ಕಷ್ಟ.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಇತ್ತೀಚೆಗೆ ಪ್ರಾಂತ ಪುನರ್ವಿಂಗಡಣೆಯಾದನಂತರ ಕೂಡ ಸಾಕಷ್ಟು ನ್ಯಾಯಾಧೀಶರನ್ನು ನಿಯಮಿಸದೆ ಇರುವುದಕ್ಕೆ ಏನು ಕಾರಣ ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಹೊಸ ರಾಜ್ಯವಾದ ನಂತರ ಐದು ಭಾಗಗಳಿಂದ ಬೇರೆ ಬೇರೆ ಪ್ರದೇಶಗಳು ಬಂದು ಸೇರಿದವು. ಯಾವ ಯಾವ ಭಾಗದಲ್ಲಿ ಯಾರು ಯಾರು ಯೋಗ್ಯರು, ಅರ್ಹರು ಎಂಬುದನ್ನು ವಿಚಾರ ಮಾಡಿ ಈ ಕೆಲಸವನ್ನು ಕೈಕೊಳ್ಳುವುದಕ್ಕೆ ಬಹುಶಃ ಒಂದೆರಡು ತಿಂಗಳು ತಡವಾಯಿತು. ಅದರಿಂದ ಸ್ವಲ್ಪ ತಡವಾಯಿತು.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಮೈಸೂರು ಸರ್ಕಾರದ ಶಿಫಾರಸುಗಳು ಇಂಡಿಯಾ ಸರ್ಕಾರಕ್ಕೆ ಸಕಾಲದಲ್ಲಿ ತಲಪದೇ ಹೋದ ಪ್ರಯುಕ್ತ ಹೈಕೋರ್ಟು ನ್ಯಾಯಾಧೀಶರನ್ನು ನಿಯಮಿಸುವುದು ವಿಳಾನವಾಯಿತು ಎಂದು ಇಂಡಿಯಾ ಸರ್ಕಾರದವರ ಹೇಳಿಕೆಯು ತಮ್ಮ ಗಮನಕ್ಕೆ ಬಂದಿದೆಯೇ ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಮಾನ್ಯ ಸದಸ್ಯರ ಆ ಹೇಳಿಕೆಯನ್ನು ಸರಿಯಾಗಿ ನೋಡಿದ್ದಿವೆ ದು ಕಾಣುತ್ತದೆ. ಮಂತ್ರಿಗಳ ಬದಲಾವಣೆಗಳಾಯಿತು. ಅದರಿಂದ ಶಿಫಾರಸುಮಾಡಲು ಸ್ವಲ್ಪ ತಡವಾಯಿತು.

ಶ್ರೀ ಕೆ. ರಾಜಯ್ಯಶೆಟ್ಟಿ.—ಈಗ ಕೆಲಸದ ಒತ್ತಡ ಹೆಚ್ಚಾಗಿರುವುದರಿಂದ ಪ್ರತ್ಯೇಕ ಬೆಂಚನ್ನು ನಿಯಮಿಸುತ್ತೀರಾ ?

Mr. SPEAKER.—That is outside the scope of the question.

Sri A. R. BADRI NARAYAN.—In view of the large number of cases remaining in arrears for a very long time, will Government consider the advisability of appointing more Judges?

Sri S. NIJALINGAPPA.—That will be taken into consideration. I may, however, say that we are not the people to appoint Judges. It is the President of India who appoints Judges.

Sri G. SIVAPPA.—May I know whether it has come to the notice of the Chief Minister of Mysore State that the Home Minister of India made a statement to the effect that the Chief Minister of Mysore was reluctant to take the responsibility of making recommendations for appointments of Judges to the High Court ?

Sri S. NIJALINGAPPA.—I have already answered that question. My friend seems to be very inquisitive. I may tell him that when appointments are made to the posts of High Court

Judges, either the State or the Centre is taking the most responsible decision. Therefore, when I came to the Ministry I had to take every possible precaution to see that the best people only are appointed to the High Court and I had to see wherefrom I could get the best material out of the different integrating areas. That took about a month or two.

Sri V. P. DEENADAYALU NAIDU.—In view of the large number of cases remaining in arrears, will it not be feasible to appoint additional Judges for the disposal of these arrears, pending the appointment of permanent Judges.

Sri S. NIJALINGAPPA.—Five Judges are functioning now. Two more are likely to be appointed within a few days. Thereafter we will see if there is any necessity to make appointments of further Judges and make suitable recommendations to the Government of India.

Sri G. VENKATAI GOWDA.—Is it not against all cannons of justice and rule of law that the cases of the 17 persons who have been sentenced to death should remain without being disposed for such a long time ?

Mr. SPEAKER.—That is a matter of opinion.

ಶ್ರೀ ಎಂ. ರಾಮಪ್ಪ.—ನ್ಯಾಯಾಧೀಶರುಗಳನ್ನು ನಿಯಮಿಸುವ ವಿಚಾರದಲ್ಲಿ ಕೆಲವರು ಆಸ್ಥೆವಹಿಸಿದ್ದಾರೆ ಎಂಬುದು ನಿಜವಲ್ಲವೇ ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ —ನನಗೆ ತಿಳಿದಮಟ್ಟಿಗೆ ಅದು ನಿಜವಲ್ಲ.

Sri G. N. PUTTANNA.—Is Government aware that in addition to the five, two more Judges have already been appointed ?

Sri S. NIJALINGAPPA.—Two Judges were appointed. Then the new Chief Justice has come and I said that two more Judges are going to be appointed.

ಶ್ರೀ ಜಿ. ಎಸ್. ಪುಟ್ಟಣ್ಣ.—ಸ್ವಾಮಿ, ಈಗ ಇರುವ ಐದು ನ್ಯಾಯಾಧೀಶರ ಜೊತೆಗೆ ಇನ್ನೊಬ್ಬರ ನೇಮಕ ಮಾಡಬೇಕೆಂದು ಸರ್ಕಾರ ಗೊತ್ತುಮಾಡಿದೆ ಎಂಬುದು ನಿಜವೇ ?

Sri S. NIJALINGAPPA.—My friend seems to know more than I do.

Sri H. C. LINGA REDDY.—In view of the large arrears of cases, may I know the impediments that stand in the way of Government making recommendations for filling the remaining posts in the High Court ?

Sri S. NIJALINGAPPA.—The number has to be fixed by the President. So we will have to consider how best to tackle this question.

Sri H. C. LINGA REDDY.—I wanted to know the impediments that have come in the way of Government making recommendations to the President to see that the arrears of work are disposed of early ?

Sri S. NIJALINGAPPA.—It is the realisation of these impediments that has compelled us to urge for more and more Judges being appointed.

ಶ್ರೀ ಎಚ್. ಹುಚ್ಚಮಾಸ್ತಿ ಗೌಡ.—ಸ್ವಾಮಿ, ಎಂಟು ದಿವಸಗಳ ಈಚೆಗೆ ನ್ಯಾಯಾಧೀಶರುಗಳನ್ನು ನೇಮಕಮಾಡಲಾಗಿದೆ ಎಂಬ ವರ್ತಮಾನ ಬಂದಿದೆ ಎಂಬುದು ನಿಜವೇ ?

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ಹೇಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಇಬ್ಬರು ಜನರ ಪೈಕಿ ಪ್ರೊಪೋಷನ್ ಪಡೆದವರು ಯಾರು ಸ್ವಾಮಿ ? ಮುಖ್ಯಮಂತ್ರಿಗಳು ನಗುತ್ತಾ ಇದ್ದಾರೆ. ಅವರಿಗೆ ಗೊತ್ತಿದೆ ಸ್ವಾಮಿ.

ಶ್ರೀ ಎಸ್. ನಿಜಲಿಂಗಪ್ಪ.—ನೀವು ಪ್ರಶ್ನೆ ಕೇಳುವ ರೀತಿಯನ್ನು ನೋಡಿ ನಗುತ್ತಿದ್ದೇನೆ ಅಷ್ಟೆ.

Construction of General Hospital at Davangere.

Q.—242. Sri M. RAMAPPA (Harihar).—

Will the Government be pleased to state :—

(*a*) when and what amounts were collected for the construction of General Hospital at Davangere by means of lottery, from the Regulated Market, Davangere, and from donor Sri Chigteri Murigappa, and the reasons for the delay in sanctioning the work ;

(*b*) the progress made after the foundation stone was laid by the Governor ?

A.—Sri R. M. PATIL (Minister for Health).—

		Rs.
(*a*) (i)	By lottery ...	27,000
(ii)	Ryots and merchants of the Regulated Market.	1,00,000